



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

February 11, 1998

Mr. Kevin B. Laughlin  
City Attorney  
City of Kerrville  
800 Junction Highway  
Kerrville, Texas 78028-5069

OR98-0410

Dear Mr. Laughlin:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 112943.

The Kerrville Police Department (the "department") received a request for a specified case file. You claim that the requested information is excepted from disclosure under section 552.108 of the Government Code.<sup>1</sup> We have considered the exception you claim and reviewed the submitted information.

Section 552.108 of the Government Code provides in part:

(a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from the requirements of Section 552.021 if:

(1) release of the information would interfere with the detection, investigation, or prosecution of crime;

(2) it is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication;

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<sup>1</sup>We note that, in your initial brief, you also asserted exceptions under sections 552.101 and 552.103, which you have subsequently withdrawn.

(c) This section does not except from the requirements of Section 552.021 information that is basic information about an arrested person, an arrest, or a crime.

Gov't Code § 552.108. You assert that the records of the department "contain no record of any arrest or prosecution of the person who is the subject of the records for the offense alleged or any related offense." You state that you have "personally searched the case indexes in the offices of the District Clerk of Kerr County, the County Clerk of Kerr County, and the District Clerk of the United States District Court for the Western District of Texas--San Antonio Division," and found no such record of arrest or prosecution. Under these circumstances, we agree that section 552.108(a)(2) is applicable.

However, "basic information about an arrested person, an arrest, or a crime" is not excepted from required public disclosure. Gov't Code § 552.108(c). Basic information is the type of information that is considered to be front page offense report information even if this information is not actually located on the front page of the offense report. See *generally Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.3d 177 (Tex. Civ. App.--Houston [14<sup>th</sup> dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976). Thus, except for basic information, the requested information is excepted from disclosure under section 552.108(a)(2). Although section 552.108 authorizes you to withhold the information from public disclosure, you may choose to release all or part of the information at issue that is not otherwise confidential by law. See Gov't Code § 552.007.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,



Vickie Prehoditch  
Assistant Attorney General  
Open Records Division

VDP/glg

Ref.: ID#112943

Enclosures: Submitted documents

cc: Mr. Lewis E. Cosby  
107 Silver Creek  
Kerrville, Texas 78028  
(w/o enclosures)